

A meeting of the Jasper County Plan Commission was held Monday, May 23, 2016 at 7:00 pm in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Gerrit DeVries, Jim Martin, Sandra Putt, Jim Walstra, John Korniak and Bryan Overstreet. Also present: Todd Sammons, Randle and Sammons, Mary Scheurich, Director of Planning and Development; Kelli Standish, Secretary. Absent were: Vince Urbano, Justin Rodibaugh and Todd Peterson.

Meeting was called to order by Board President Sandra Putt. The Pledge of Allegiance was recited. The first order of business was the call for approval of the February 2016 minutes.

Jim Walstra made the motion to approve the February 2016 minutes. Motion was seconded by Jim Martin and carried unanimously.

Rezone

Cause#PC-2-16

Applicant: Rose Acre Farms, INC – Arthur & Beatrice Brinkman Trust
Location : Sec.31-30-7 – Newton Twp. - St.Rd. 14 W. of 1100W. S-side
Use: Rezone HC to A3 Poultry Operation CFO

Public hearing held pursuant to notice April 30, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Attorney Shelmon, representing the applicant Rose Acre Farms, Inc, stated that they are requesting to rezone the property from HC to A3. The purchase of the property is contingent upon whether or not the rezoning application will be approved and if the variance application is approved from the Board of Zoning Appeals. The property is also subject to the applicants obtaining IDEM permits as well. A3 allows a level 1 and level 2 Confined Feeding Operations to be located in that zoning district. They are proposing to have 320,000 chickens at this facility with the zoning and level they are requesting they can have up to 400,000 chickens at this facility. Which is about a sixth of the chickens you see at the other Rose Acre facility? Rose Acre has facilities in White, Newton and Jasper County. They are proposing to have 4 chicken houses that will hold 80,000 chickens each. The housing building will be connected to each other and the birds will be able to roam around in a fenced in area. The housing buildings will be 45ft. by 524ft. This will be an organic chicken laying operation which will be a new kind of operation. Mr. Rusk has been all over the world to view how organic chickens are done. There is a new design that the other farms do not have. There is a constant flow of air in the building themselves. The buildings are going to be two stories and the air flow will reduce all of the issues that we've faced in the past, because it will eliminate any stagnant air or water that will cause any type of smell. The manure will automatically be collected. It will automatically be taken to the end of the building, where there will be a container that the manure will go into. The containers will be removed off site every other day. The

manure will be taken to another location that Rose Acre Farms has for storage of the manure and then disposed of. There will be no manure left on site for more than a day unless in the winter where it might be a couple days due to the conditions of the weather. There is currently legislation pending and proposed to go into effect that would alter the amount of square foot needed to be determined to be organic. They are attempting to comply with all the rules and regulations that need to be done. This is being proposed in this location because it is being done in connection with the Dairy Adventure. The Dairy Adventure allows people to tour a portion of the Dairy Farm and the Swine Operation. This will be the third of a few more that are planned by the Dairy Adventure to try to give the public a total perspective for all types of farming that goes on in the United States at this time. They will be able to tour the proposed facility which is why they are proposing to construct the facility closer to the road so the tour buses can get around easier. They are proposing to have an egg washing building where they show how the eggs are collected. They will show how the eggs are processed and they will have a cooler located in the building. This building will be 100 ft. by 200 ft. with an open portion to the north and south side of the building for viewing. The water that will be used to wash the eggs has to be stored as waste water. South of the property is where the egg wash holding pond will be located. They are proposing to spread that on the land or crops located there. There will be a storm water retention pond located towards the west of the property. Since this is a new type of facility they are not sure as to how many they will employee but they are thinking it will be around 15-25 to run the facility. They think they will be using 40,000 gallons of water a day for the amount of birds they will have.

Gerrit DeVries asked if the aerial is correct that they are proposing to only be 600ft. from St.Rd. 14 to the building. He has recently been informed of Bio Security and wonders if 600ft. is going to be an issue?

Attorney Shelmon replied that he thought that the Bio Security has to do with the inside of the building not the distance of where it's going to be.

Marcus Rust was present and stated that since the birds will be able to roam around outside they do not have to worry about the Bio Security.

Bryan Overstreet stated that you are trying to show how they do agricultural production why are they doing something that hasn't been done here before?

Marcus Rust replied that the fastest growing segment in the market place today is organic. We are taking the best of what we've seen around the world and trying to put it into one concept.

Sandra Putt asked if anyone present had any opposition to the application.

Sue Wood was present and stated that she and her family (Kosta Farms) owns 80 acres on the SE corner of St.Rd. 14 and 1100W. They have felt that one day that property would be developed into a subdivision since it is very wooded. She cannot imagine having a chicken farm located across the road if they were to develop that property. She

lives to the north of the proposed rezone. The property is zoned Highway Commercial and she feels this is a place for business's not agricultural farm business's. Is this going to make Jasper County any money by bringing this into the county? She feels there are enough animal farms in this area along with their waste. She is concerned about their water being contaminated.

Joann Kanne was present and stated that she is concerned about the odor from the Chicken Farm. You stated that there will be a consent flow from one end of the building to the next; will this eliminate some of the odor?

Marcus Rust replied that they have a combination of circulation and they will also be experimenting with the filtering mechanisms. They are eliminating the ammonia smell.

John Korniak asked if they will be using any bedding.

Marcus Rust replied that they will be using scratch material for bedding.

Greg Kanne was present and asked Mr. Rust if he was 100% confident that this will not be an odor problem?

Marcus Rust replied affirmatively. There is going to be what he calls a chicken feed, fresh mill. You will not have the ammonia smell. We have filed for 11 patents on this system, that's how good we feel about it. He feels this will be the best type of building they have built. Within 10 years all the chicken farms will have cage free chickens. They will no longer be caged. They have to have 2 square feet per chicken for their outside area.

Mike (?) was present and asked how do you clean the outside cages. Are they running on the ground?

Marcus Rust replied that there will be grass.

Mike (?) asked how do you clean it up if they are on the grass? Wouldn't there be ammonia smell?

Marcus Rust replied that they just have to let the grass grow. If we have ammonia out there then the grass will dry. They can only be cooped up 2 weeks a year to be considered organic.

Brian Culp was present and stated that when they are outside they shouldn't be going to the bathroom, they should be going to the bathroom when they are inside eating.

Gerrit DeVries stated that what we have at this intersection is one of the most awesome displays of how to use animals. This is why this whole intersection was put there and created. It's one of the biggest draws we have for Jasper County. He doesn't see

where a subdivision would want to develop there. This is prime area for this type of operation.

Jim Walstra stated that he feels that 1% of the population know what farmers do. They have no way to express their selves unless we use things like this to do it. I compliment Rose Acres on putting this out there so people can see how it's done. He feels it's a good location since there is already the Dairy and Swine Farms located there. We have row crop displays there and John Deere is going to put some stuff in there. Where else in the whole Country can you come and see everything in one spot? I am 110% for this.

Jim Walstra made the motion to recommend approval for the rezoning from HC to A3 to the Board of County Commissioners. Motion was seconded by Gerrit DeVries and carried with 5 members in favor and Sandra Putt opposed.

Amendment

Cause#PC-3-16

Applicant: Amendment to the Codes of Jasper County Flood Maps

Public hearing held pursuant to notice May 13, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Mary Scheurich stated that the State of Indiana has let us know that our Flood Plain Ordinance was out of date and needs to be updated. What she has proposed and presented to the board members is a replica of their model that they sent to her. She thinks we can more stricter in some areas, but cannot be lesser than what the State is recommending. We are getting ready to adopt new Flood Plain maps as well.

Sandra Putt asked if anyone present had any opposition to the proposed amendment.

Bernard Seegers was present and stated that he has a couple of questions on the new amendments. He wants to know about obstructions in Floodways. Is this Federal mandated? He wanted to know who put the new meanings in the amendments?

Mary Scheurich replied that if it is the new proposed amendment he is asking about, they came from the DNR. This is the model ordinance from the State of Indiana.

Bernard Seegers stated that it was left out of the ordinance when they did it in 2008.

Mary Scheurich replied that the one they signed in 2008 was the state model as well.

Bernard Seegers replied affirmatively. Everything that is in the proposed ordinance was in the 2008. Section B where it states it about the obstructions and Section C #3 it states what you can and cannot do in the Floodplain and this is where it's natural floodplain streams channels and the natural protected flood barrier. This one has been violated. If the board members haven't read the proposed ordinance then they need to before they make a decision. Article 2 Definitions it states in here that they are suppose to use common language and also the word "shall" is in there. If he understands Attorney Todd Sammons you don't change that word, that "shall" is what it means.

Attorney Sammons replied that what he thinks he indicated to Mr. Seegers is what the word "shall" means in the ordinance for the law is and he stated that what he feels it means is "there's no discretion."

Bernard Seegers replied that is correct and he wanted to know what the definition of that meant. On page 5 the BZA has a hardship. Every time you go through the procedure it's all about hardship and that ordinance has been violated. On page 9 Section A this was not in the old one and it was in the 2008. This has been added to the new one. Article 4 Administration, there are violations in this. You have to do a hydraulic model done of the whole situation. This ordinance addresses, the drainage board, County Commissioners, Board of Zoning Appeals and Planning Commission. If the Ordinance gets approved will they enforce it. Your recommendation is very important to the Commissioners. He would like a facts of finding for what has been said at this meeting.

Gerrit DeVries asked Mr. Seegers if he has any specific concerns with the way the proposed ordinance is written or is it more in how the ordinance has been enforced?

Bernard Seegers replied that he is more concerned about how the ordinance has not been enforced. He does not have a problem with the way the Ordinance is written. Now they are going to have a hard time explaining why they haven't been enforcing this since 2008. He presented copies of articles that have been written in the Newspaper and letters he has written. The headings are as follows: Are drainage laws being properly enforced locally, The County Drainage Board, \$32M paid out to local farmers, Letter to Governor Pence, Greg Zoeller, Cal Bellamy/The Hammond Times Newspaper & Pete Visclosky, Reply letter from Congress of the United States Pete Visclosky, Reply letter from Calvin Bellamy, Reply letter from the Office of the Attorney General and reply letter from the State of Indiana Office of the Governor – Michael Pence. He took the letter that he wrote to the Attorney General's Office to the Prosecutor's Office like they suggested he do and she said "anybody that is voted in took an oath and the oath is very serious." That's why this has to be enforced. I am asking her to prosecute this and she took an oath as well. He also stated that he said this same thing at the County Council meeting.

Gerrit DeVries asked Attorney Sammons what provisions are in the proposed ordinance that would apply to enforcing it?

Attorney Sammons replied that he hasn't looked at the proposed ordinance. The way he understands the reason for the proposed ordinance is it basically is mandated by the Indiana Department of Natural Resources and it's their model ordinance. With a lot of Ordinance's that the State mandates there is enforcement language in there with nothing to fund that enforcement.

Gerrit DeVries asked if we can have Attorney Sammons look into what things they can do to add stronger provisions for violations.

Attorney Sammons replied that he will do what the board asks him to do.

Jim Martin asked Mary Scheurich under article 4: Administration Section B. Permit Procedures, it says "Application for a Floodplain Development Permit" what development is being permitted?

Mary Scheurich replied that when you look at the "development" definition, a lot of those things are not brought to our office. They would be going before the Drainage Board. As far as the construction of residences and other structures we do not get very many permits per year or if any.

Bryan Overstreet made the motion to continue the ordinance to the next regularly meeting on June 27, 2016 at 7:00 pm so the board members can look into the ordinance more. Motion was seconded by Gerrit DeVries and carried unanimously.

Amendment

Cause#PC-4-16

Amendment to the UDO
Article 5 Sec.5.16 & 5.17 Manure Incorp.

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Mary Scheurich stated that we have always had in our Zoning Code Book where manure needed to be incorporated within 48 hours. We recently came across a situation and found that this section was not in the new UDO. We are looking at adding Section 5.18 CF-03 Confined Feeding Standards which states the manure shall be incorporated into the soil within 72 hours. The reason it stated 72 hours instead of 48 hours is because that is a State guideline, however if the board members would rather go less you can. The question "what if there is a cover crop in place" has been brought up. She stated that we did add the language "within 72 hours unless a cover crop is in place."

Jim Martin replied that he is against making allowances for cover crops. Then we will have to worry about defining what a cover crop is.

Sandra Putt asked if anyone present had any opposition to the application. There was none.

John Korniak made the motion to change the manure incorporation of manure in the soil from 72 hours to 48 hours. Motion was seconded by Jim Walstra and carried unanimously.

Jim Martin made the motion to not add cover crop to the proposed amendment. Motion was seconded by John Korniak and carried with a vote of six members in favor and Bryan Overstreet opposed.

Bryan Overstreet made the motion to recommend approval of the proposed amendment to the Board of County Commissioners with the change of the manure being incorporated to 48 hours and the cover crop not being added to the amendment. Motion was seconded by Jim Martin and carried unanimously.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Sandra Putt, President